

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

MING REN, et al.

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Plaintiffs

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vs.

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CIVIL ACTION NO. MJG-15-1242

XIAO MING CAO, et al.

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Defendants

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MEMORANDUM AND ORDER

The Court has before it Co-Defendants' Motion to Dismiss the Amended Complaint [ECF No. 36] and the materials submitted relating thereto. The Court finds a hearing unnecessary.

Plaintiffs are five citizens of the People's Republic of China who allege that they were victims of fraudulent schemes orchestrated by Xiao Ming Cao ("Cao"), a Chinese-born American citizen living in Owings Mills, Maryland. In the Amended Complaint [ECF No. 7], Plaintiffs assert claims against Cao, Yan Shao (his wife) and Yusi Coa (his son), and three other defendants.

By the instant motion, Defendants Yan Shao and Yusi Coa seek dismissal of all claims against them pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

A motion to dismiss filed under Federal Rule of Civil Procedure 12(b)(6)<sup>1</sup> tests the legal sufficiency of a complaint. When evaluating a 12(b)(6) motion to dismiss, a plaintiff's well-pleaded allegations are accepted as true and the complaint is viewed in the light most favorable to the plaintiff.

Defendants Yan Shao and Yusi Coa seek dismissal based upon their affidavits stating that they had no involvement in the activities upon which Plaintiffs' claims are grounded. While these Defendants may well prevail at a later stage of the proceedings, their denial of the facts alleged by Plaintiffs does not provide a ground for dismissal pursuant to Rule 12(b)6). Moreover, while Plaintiffs have submitted affidavits contradicting the movants, the Court shall not convert the instant motion into one for summary judgment.

Accordingly, Co-Defendants' Motion to Dismiss and Request for Hearing [ECF No. 36] is DENIED.

SO ORDERED, on Thursday, October 15, 2015.

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/s/\_\_\_\_\_  
Marvin J. Garbis  
United States District Judge

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<sup>1</sup> All "Rule" references herein are to the Federal Rules of Civil Procedure.